Title Insurance Investigations Open Investigations Summary Rebort

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Color Carlos Assert Alleged Violation Alleged Violation	Unfair Marketing	Possible Mtg. fraud	Did not do a recon, for the second mtg.	No licensed escrow or title people working at the agency	Unlicensed Title agency	Breach of fiduciary duty in releasing documents to	an adversarial joint tenant; causing other joint tenant to sustain an equity loss of \$40,000.	Failure to follow lender's instructions by not issuing	policy wihtin time specified by lender. Facilitated a	third mortgage without lender's consent or approval.	Co-advertising with a client	Allegation of fraud	Closed a real estate transaction with a copy of a	Flower of Attorney Instead of the Original Alfecation of instring over a indoement	Released escrow funds without instructions	Possible Mtg. fraud.	Possible Mtg. fraud	Miappropration of funds, failing to return funds for failed transaction	Realtor claims she was shorted commission from	a transaction completed by the respondent.	Failure to pay accesment	raille to pay assessment	Closing files for a title agency that does not have an underwriter. HUDS show the other title agency	allegation of lender fraud	Marketing violation	Failure to disburse per the HUD-1 Settlement	Statement, HOA Dues not paid at time of	Alleged improper claims handling by underwriter	Possible lender fraud	Possible lender fraud	Did not follow escrow instructions				
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Date	5/4/09	60/06/9	60/E/6	9/14/09	10/28/09	000	60/91/11		12/7/09			1/20/10	2/4/10	2/11/10	2/18/10		2/24/10	3/1/10	3/3/10	3/3/40		3/10/10	3/15/10	3/16/10	3/17/10		4/21/10	3/22/10		3/25/10	3/30/10	<u> </u>			
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Title Insurance Investigations Closed Investigation Summary Report

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100 100	58074 1/12		<u> </u>	†	521		ļ			-		<u> </u>		-			×			 						Failure to file the Annual and Controlled Busi	ess Report
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147201 2180 14 14 14 14 14 14 14 1	-		4	+	itter	1	+	+	+	-		+	+	+	1	+	+	+		+	×	-		+	-	Marketing violation, donated prize	
1477-1566 2741-1546 2745-2546 2745		01//	4	_	atter	\int	\dagger		+	+	1	+	+	1		+	+			+	×	+		+	1	Marketing violation, donated prize	
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1740 1750	-+		4	_	tion		+	+	+				1	_		-				-	×	_				Sponsorship of golf tournament	
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117210 225810 44 Center 2023 X				_	tion																			×		than what is filed with the department	
1177 10 2251 10 4.6 Spring Accordance					623									*								······································				Failure to file the 2008 Annual and Controlled Reports for calender year 2008 by April 30, 2	Susiness 09
10726/103 2255/10 2257/10					- see									*						-						Failure to timely file the 2009 Annual and Cor	rolled
10766 pg 25210 122 E-case 562 E-case 562 T X T X	+			†	uo,			1					<u> </u>	×						-						convey property to an LLC. (thereby voiding Policy): Missed trust deed during search	y April 30tti
1275 (10) 3 34 10 18 bo Viciation X					524		-	-	-								<u> </u>			-	_					Failure to timely file the 2008 Annual and Cor	rolled
9.10 (2) 3.91 (2) 1.92 (2) 3.91 (2)			-	_		1	+	+	+	-			+	\downarrow		-	(_			-				_	Business Report by April 30, 2009	
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917/789 310/10 174 E-cases 2651 P X <td>-+</td> <td></td> <td></td> <td>_</td> <td>Jon</td> <td></td> <td>×</td> <td></td> <td></td> <td></td> <td></td> <td>Advertising on client website</td> <td></td>	-+			_	Jon																×					Advertising on client website	
3146/10 3257/10 3257/10 4 Modellon No. Volenton No.			-		551									×												Trust deed not showing on HUD	
3724/10 3726/10 1 E-C886 X A				†	hon		+	1		-				×												Allegation of recording a trust deed incorrect	
20110 312410 55 No Volation No Volation X				\dashv										×											-	Theft of Operating / underwriter account mon	
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3/10/10 3/3/10 177 NovValence	-	8/10	4	_	ton		+	+	-			+	1			-								×		Allegation of charging below filed esrow rates	
10/1909 3/31/10 163 No Velation				+	hon		\dagger	+	+	\downarrow		+	+		1,	+	+	-		-		1		×	-	Charging below filed escrow rates	
10/19/09 3/31/10 163 No Vedalism X X X X X X X X X X X X X X X X X X X				+-	ion		\dagger	-				+	-		<u> </u>	+	 -			+	+	-				Recording / easment issues	alio
822709 3/31/10 216 No Violation X	+		11	1	uoi,		H					-	-				· ×				-	-		-	-	Recording / easment issues	
					lion										×											Refusal to release earnest money to seller will defailed on contract	an buyer

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Title Insurance Investigations Closed Investigation Summary Report

 57579
 8/31/09
 3/31/10
 212
 No violation

 57601
 9/2/09
 3/31/10
 210
 No Violation

Possible lender fraud, short sale issues
Possible mishandling of escrow money and the HUD

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		Page S.

Title Insurance Investigations

Open and Closed Per Month Report

Open and Closed Fer Mi		
	Opened	Closed
January	7	4
February	20	26
March	11	41
April	19	25
May	20	7
June	20	39
July	26	17
August	24	21
September	15	55
October	14	15
November	25	17
December	11	55
Totals for 2008	212	322
January	8	31
February	13	15
March	4	12
April	10	5
May	5	12 5 5
June	16	25
July	6	7
August	15	17
September	31	22
October	20	18
November	7	11
December	10	9
Totals for 2009	145	177
January	10	9
February	7	22
March	17	17
April	2	0
May		
June		
July		
August		
September		
October		
November		
December		
Totals for 2010	36	48

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Title Insurance Consumer Complaints

Open and Closed Consumer Complaint Summary Report

Case #	Date Open	Date closed	Complaint	CSA
58109	1/25/2010	2/25/2010	HO premium not paid at closing	Meldee
			title complaint, feels title company didn't uncover/disclose hazards for clear title and sale of home	
58202	2/22/2010	2/22/2010	- flood insurance requirements	Sandy

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Title Insurance Consumer Complaints
Open and Closed Per Month Report

Open and Or	Oseu Fei Wollt	
	Open	Closed
January	1	0
February	1	1
March	3	2 2 5
April	5	2
May	0	
June	1	1
July	0	1
August	2	1
September	1	0
October	0	3
November	1	0
December	0	1
Total 2008	15	17
January	0	0
February	0	1
March	0	0
April	0	0
May	1	0
June	0	1
July	0	0
August	1	0
September	0	0
October	0	1
November	0	0
December	1	
Total for 2009	3	2 5
January	1	0
February	1	2
March	0	2
April	0	0
May		
June		
July		
August		
September		
October		
November		
December		
Total for 2010	2	2

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Title Insurance Enforcement Report

E-Case #	Date Opened	Recommended Action	Action taken	Action Date	Closed Date
			Prosecutor for drafting	9/8/08	
2174	5/20/08	Stipulation and Order	Respondent for signature		
			Penalty imposed by commission		
20020			Sent to Respondent	10/21/09	
2192	5/30/08	Complaint for revocation	No response / revocation	11/18/09	12/28/2009
			Prosecutor for drafting	3/2/09	en ver
2282	10/9/08	Stipulation and Order	Respondent for signature	4/26/09	
	200000000000000000000000000000000000000		Penalty imposed by commission		9/3/2009
			Prosecutor for drafting	4/6/09	0/0/2000
2313	11/19/08	Stipulation and Order	Respondent for signature	9/30/09	
2010	11,10,00	Oupdibilion and Order	Penalty imposed by commission	11/9/09	11/17/2009
			Prosecutor for drafting	5/12/09	
2328	12/17/08	Stipulation and Order	Respondent for signature	11/18/09	
2020	12/11/00	Olipulation and Order	Penalty imposed by commission	2/8/10	3/4/2010
			Prosecutor for drafting	2/0/10	3/4/2010
2331	12/22/08	Stipulation and Order	Respondent for signature		
2331	12/22/00	Supulation and Order	Penalty imposed by commission		
			Prosecutor for drafting	5/27/09	
2332	12/23/08	Stipulation and Order	Respondent for signature	3/2//03	
2002	12/23/06	Supulation and Order	Penalty imposed by commission		LO TEMPO ZEFONIK
			Sent to Respondent	10/20/09	
2333	12/23/08	Order to show Cause	No response / revocation	11/18/09	12/16/2009
			Sent to Respondent	10/20/09	12/10/2009
2334	12/23/08	Order to show Cause	No response / revocation	11/18/09	12/16/2009
			Prosecutor for drafting	5/14/09	12/10/2009
2366	2/5/09	Stipulation and Order	Respondent for signature	10/8/09	
2300	2/3/09	Supulation and Order	Penalty imposed by commission	11/9/09	11/23/2009
			Prosecutor for drafting	5/14/09	11/23/2009
2367	2/5/09	Stipulation and Order	Respondent for signature	10/8/09	
2307	2/3/09	Supulation and Order	Penalty imposed by commission	11/9/09	11/23/2009
			Prosecutor for drafting	4/20/09	11/23/2009
2405	4/15/09	Stipulation and Order	Respondent for signature	4/20/03	
2403	4/15/09	Supulation and Order	Penalty imposed by commission	Dismissed	3/29/2010
			Prosecutor for drafting	Distilissed	3/29/2010
2423	5/14/09	Stipulation and Order	Respondent for signature		
2423	5/14/09	Stipulation and Order	Penalty imposed by commission		
			Prosecutor for drafting	7/30/09	
2469	7/30/09	Cticulation and Oudan	Respondent for signature	1/0/00	
2409	1130109	Stipulation and Order	Penalty imposed by commission		Dismissed
			Prosecutor for drafting	7/30/09	Dismissed
			Respondent for signature		
2470	7/30/09	Stipulation and Order	Respondent for signature	8/5/09	
			Penalty imposed by commission	11/9/09	11/19/2009

Title Insurance Enforcement Report

E-Case #	Date Opened	Recommended Action	Action taken	Action Date	Closed Date
0404	0/40/00		Sent to Respondent	8/25/09	
2484	8/12/09	Order to show Cause	No response / revocation	11/18/09	
0405	0/40/00	Order to about Course	Sent to Respondent	8/24/09	
2485	8/12/09	Order to show Cause	No response / revocation	11/18/09	12/16/2009
0406	0/40/00	Oudes to about Course	Sent to Respondent		Brulance Sign
2486	8/12/09	Order to show Cause	Accepted by respondent		Surrender
2497	9/12/00	Order to show Course	Sent to Respondent		earth, strivers
2487	8/12/09	Order to show Cause	Accepted by respondent		
2488	9/12/00	Order to show Course	Sent to Respondent	8/25/09	
2400	8/12/09	Order to show Cause	No response / revocation	11/18/09	3/1/2010
2489	8/12/09	Order to show Course	Sent to Respondent	8/31/09	
2409	6/12/09	Order to show Cause	No response / revocation	11/18/09	12/16/2009
			Prosecutor for drafting		
2498	9/1/09	Stipulation and Order	Respondent for signature		
			Penalty imposed by commission		Agency closed
2501	0/2/00	Informal Action	Sent to Respondent	10/5/09	
2501	9/2/09	Informal Action	Accepted by respondent		
2516	9/23/09	Informal Action	Sent to Respondent	9/30/09	
2510	9/23/09	miormal Action	Accepted by respondent	11/3/09	
2517	9/17/09	Informal Action	Sent to Respondent	9/30/09	
2017	9/17/09	Informal Action	Accepted by respondent		dismissed
2520	0/23/00	Informal Action	Sent to Respondent		
2520	9/23/09	Informal Action	Accepted by respondent		
2521	9/23/09	Informal Action	Sent to Respondent	9/30/09	
2021	9/23/09	mormal Action	Order to show cause		
			Prosecutor for drafting	10/19/09	
2523	9/3/09	Stipulation and Order	Respondent for signature	2/16/10	men A Sv to
			Penalty imposed by commission	3/8/10	4/8/2010
2537	10/13/09	Informal Action	Sent to Respondent	11/2/09	
2551	10/13/09	mormal Action	Accepted by respondent		dismissed
			Prosecutor for drafting	1/28/10	NO SILE
2538	10/14/09	Stipulation and Order	Respondent for signature	3/2/10	
	l		Penalty imposed by commission		
			Prosecutor for drafting		
2548	10/26/09	Stipulation and Order	Respondent for signature		
			Penalty imposed by commission		
			Prosecutor for drafting		
2549	10/26/09	Stipulation and Order	Respondent for signature		
2			Penalty imposed by commission		
2550	10/27/09	Informal Action	Sent to Respondent	11/2/09	
2000	10/2//09	miornal Action	Accepted by respondent		11/17/2009
2551	10/27/09	Informal Action	Sent to Respondent	11/2/09	
2001	10/2//09	Internal Action	Accepted by respondent		dismissed

Title Insurance Enforcement Report

E-Case #	Date Opened	Recommended Action	Action taken	Action Date	Closed Date
			Prosecutor for drafting		ORGEN PUBLICATION
2557	11/2/09	Stipulation and Order	Respondent for signature		
			Penalty imposed by commission		
			Prosecutor for drafting		EDIŞÇÎ DELÎME
2564	11/5/09	Stipulation and Order	Respondent for signature		Mark and all the
			Penalty imposed by commission		
			Prosecutor for drafting		
2566	11/9/09	Stipulation and Order	Respondent for signature		/
			Penalty imposed by commission		
2572	11/17/09	Informal Action	Sent to Respondent	2/4/10	
2312	11/17/09	Informal Action	Accepted by respondent		
		3.7 193	Prosecutor for drafting	12/22/09	
2598	12/22/09	Stipulation and Order	Respondent for signature		STATE OF THE PARTY OF
			Penalty imposed by commission		
000#	414140		Sent to Respondent	1/19/10	
2605	1/4/10	Emergency Suspension	Signed by Judge	1/19/10	1/19/2010
0004			Sent to Respondent		FINE PARTY
2621	1/12/10	Informal Action	Accepted by respondent		
			Sent to Respondent		
2623	1/12/10	Informal Action	Accepted by respondent		
			Sent to Respondent		
2624	1/12/10	Informal Action	Accepted by respondent		
			Prosecutor for drafting	3/4/10	
2637	2/18/10	Stipulation and Order	Respondent for signature	-	
			Penalty imposed by commission		
			Prosecutor for drafting	3/4/10	
2638	2/18/10	Stipulation and Order	Respondent for signature		
	2, 10, 10		Penalty imposed by commission		
			Prosecutor for drafting	3/15/10	
2651	3/11/10	Stipulation and Order	Respondent for signature		
2001	0/11/10	Cupalation and Graci	Penalty imposed by commission		
			Sent to Respondent	3/31/10	
2659	3/24/10	Emergency Suspension	Signed by Judge	3/31/10	
			Sent to Respondent		
2664	4/1/10	Complaint for revocation	No response / revocation		

My name is Doretta Smith. I have been working for the past 7 years as a real estate agent along the Wasatch Front. Recently I was approached by Inwest Title Services, Inc. about becoming a Marketing Representative for them. I decided it was an opportunity I could not pass up even though I knew it would require inactivating my real estate license.

Pursuant to rule R592-5, I respectfully request that I be allowed to finalize the real estate transactions described in the attached request forms in order to avoid significant hardship to my clients (I have submitted a separate request form for each transaction). I understood from reading the Commissions' rules that I was unable to apply for this exemption on individual transactions until I actually had dual licenses (which occurred yesterday).

Each property is being sold on a short sale basis. Short sales are precarious transactions by nature. The lender processing the short sale request requires the real estate agent be "of record" and sometimes even requires our license number to be filed. Disrupting this process would be very detrimental to the clients of the real estate transaction.

I immediately ceased all real estate marketing and other activities as soon as I was notified that my title marketing representative license was issued on May 4th. I take the rules of the Insurance Commission seriously and want to reassure the Commission that this is only a temporary situation. In no event will I keep my real estate license active after June 30, 2010.

I also want to reassure the Commission that I will receive no commissions from Inwest Title for the exempted transactions. My only commission will be from Prudential Utah Real Estate upon successful closing of the transactions.

My real estate broker is Annie Hedberg. She can be reached at 801.450.8888. She will confirm that I have ceased real estate marketing and she has re-designated another agent in her office to take over my active listings. She also will confirm that my license will be inactivated as soon as all the transactions have been closed, but no later than June 30, 2010.

Therefore, I respectfully request that I be allowed to finalize the last few transactions from my seven-year career in Utah real estate in order that my clients avoid significant hardship in the sale/purchase of their home.

Black's Law Dictionary:

Definition of Transaction:

Act of transacting or conducting any business; negotiation; management; proceeding; that which was done; an affair.

Something which has taken place, whereby a cause of action has arisen. It must therefore consist of an act or an agreement, or several acts or agreements having some connection with each other, in which more than one person is concerned, and by which the legal relations of such persons between themselves are altered.

BULLETIN 2010-

To:

All Title Agencies and Title Producers

From:

Neat T. Gooch, Acting Utah Insurance Commissioner

Date:

May _____, 2010

Subject:

Short Sale Transactions

The purpose of this bulletin is to notify all title agencies, title producers and employees of title agencies that the negotiation of a short sale transaction is prohibited. This includes assembling, facilitating or processing documentation required by the short sale lender, accepting or making telephone calls to the short sale lender in behalf of a real estate agent or seller, or advising a seller in a short sale transaction. Marketing services or materials that promote short sale negotiation is also prohibited.

As with any transaction, your responsibilities should remain within the scope of your duties. The standard information requested for any transaction also applies to short sale transactions. Your responsibilities are:

- 1. Issue a commitment for title insurance,
- 2. Obtain authorization as required in order to clear title, (i.e. payoffs, special assessments, HOA dues, liens and judgments),
- 3. Obtain a complete REPC or purchase contract with all addendums,
- 4. Conduct the closing,
- 5. Disburse and record as required, and
- 6. Issue a title policy.

In order to negotiate a short sale transaction you must hold a real estate license. Any title agency, title producer or employee of a title agency who negotiates a short sale will be subject to enforcement by the Division of Real Estate for "unlicensed activity" under UCA 61-2-1 and UCA 61-2-2(12). Enforcement action taken against a title agency or title producer by the Division of Real Estate will be referred to the Insurance Department for further investigation.

This bulletin is not intended to discourage the working relationship between the title industry and real estate industry, but rather to clarify responsibilities. Assistance with training and education of the real estate industry by the title industry is a permitted practice in that it serves the combined purpose of serving the consumer.

A title agency or title producer found negotiating short sale transactions will also be in violation of UCA 31A-23a-402(8)(a) and R592-6-4(6) and will be subject to enforcement actions that may include monetary penalties, license suspension or license revocation.

Dated this _	day of May, 2010	
TWO		
Neal T. Goo	ch	
Acting Insura	ance Commissioner	